

Eugene T. Franklin [SBN: 124881]
 Barbara F. Green [SBN: 150320]
 Franklin Employment Law Group
 Attorneys at Law
 22762 Main Street
 Hayward, California 94541
 (510) 538-0969

Attorneys for Plaintiff
 Kirk Cooper

ALAMEDA CONTRA COSTA TRANSIT DISTRICT
 OFFICE OF THE GENERAL COUNSEL
 CATHLEEN A. WADHAMS [SBN 100434]
 1600 Franklin Street, 6th Floor
 Oakland, California 94612
 (510) 891-4827

Attorneys for Defendant
 AC Transit

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Kirk M. Cooper,

Plaintiff,

v.

Alameda Contra Costa County Transit
 District and Does 1-10, inclusive,

Defendants.

Case No.: C 06-06345 MHP

**STIPULATION AND ~~PROPOSED~~
 ORDER MODIFYING JOINT CASE
 MANAGEMENT STATEMENT AND
 PROPOSED ORDER**

PROCEDURAL HISTORY

On or about April 12, 2007, the Court referred the Parties to Early Neutral Evaluation (“ENE”) and assigned Ms. Greta Schnetzler as the ENE Evaluator. The parties have conducted two ENE sessions and have essentially agreed upon a settlement of disability retirement for plaintiff. The settlement must be approved by defendant AC Transit’s Retirement Board. The Retirement Board’s approval would entail allowing plaintiff to be reinstated to employee status for a 5-day window for the sole purpose of allowing him to apply for disability retirement as a “current employee.” Because plaintiff will be reinstated for a brief period, the parties need to coordinate the

1 dates of reinstatement and application submission closely, so that plaintiff's application is properly
2 submitted and dated during the reinstatement period. The parties have encountered difficulties in
3 coordinating these dates. Defendant's Retirement Board typically meets once a month. Since the
4 Court approved counsel's earlier proposed stipulation, Plaintiff provided defendant with a copy of
5 his relevant medical report from his treating physician in order to submit his disability retirement
6 application to the board.

7 The Parties hoped to have defendant's Retirement Board hear this matter at their last meeting on
8 April 14, 2008; however, the A/C Transit person responsible for returning plaintiff to active
9 employment status failed to do so prior to the April 14, 2008, board meeting. Counsel for the parties
10 continue to work diligently to accomplish the settlement which requires plaintiff's temporary rehire
11 for the purpose of effecting his retirement. Counsel are confident this will be accomplished in the
12 near future.

13 Because counsel are working on completing the administrative requirements to complete this
14 settlement, counsel request that the current trial scheduled be cancelled and that the Court set this
15 matter for further joint case management in September 2008. Counsel believe that this matter will
16 be settled before that time and a notice of settlement will be filed with the court.

17 THE PARTIES RESPECTFULLY request that the court approve the above modification.

18 Dated: April 24, 2008 FRANKLIN EMPLOYMENT LAW GROUP

19
20 By: /s/
21 Eugene T. Franklin
Attorney For Plaintiff

22 Dated: April 24, 2008 ALAMEDA-CONTRA COSTS TRANSIT DISTRICT

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24 By: /s/
25 CATHLEEN A. WADHAMS
Attorney for Defendant

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ORDER

Good cause appearing, IT IS SO ORDERED that the Trial set for September 16, 2008, is cancelled. A Further Joint Case Management Conference is scheduled for September 8, 2008 at 3:00 p.m.

Dated: 4/25/2008

